



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Regis Contracting, Inc.

File: B-259008

Date: November 15, 1994

DECISION

Regis Contracting, Inc. protests the award of a contract to H. B. Walker, Inc. by the Department of the Air Force under invitation to bid (IFB) No. F08650-94-B-A081. Regis contends that H. B. Walker is not financially responsible and does not have a satisfactory performance record.

We dismiss the protest because a protester's challenge to the awardee's ability to perform the contract is generally not reviewed by our Office.

The protester's assertions involve a challenge to the responsibility of the awardee, that is, its ability and qualifications to perform the contract. A determination that a bidder or offeror is capable of performing a contract is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. Thus, an agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. 4 C.F.R. § 21.3(m)(5); King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177. Where, as here, there is no showing of possible fraud or bad faith, or that definitive responsibility criteria have been misapplied, we have no basis to review the protest.

The protest is dismissed.

A handwritten signature in cursive script, reading "Ronald Berger", is written over the typed name and title.

Ronald Berger
Associate General Counsel